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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/434,121 | 11/05/1999 | HIDEMI SASAKI | Q56632 | 3518 |

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EXAMINER

WALLERSON, MARK E

ART UNIT PAPER NUMBER

2626

DATE MAILED: 02/04/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/434,121

Applicant(s)

SASAKI ET AL.

Examiner

Mark E. Wallerson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 16 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 4-9 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 4-9 and 13-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Part III DETAILED ACTION

Notice to Applicant(s)

1. This action is responsive to the following communications: amendment filed on 12/16/03.
2. This application has been reconsidered. Claims 4-9 and 13-17 are pending.

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumura et al (Matsumura) (U. S. 5,110,106) in view of Numata (U. S. 5,870,114).

With respect to claims 4 and 13, Matsumura discloses a printer (1) in which a plurality of types of recording medium are usable (Table 1), comprising an input section (5) operable to automatically input information representing the types of recording material, wherein the types of recording material has at least one printing region having a shape different from a printing region of other types of recording material (which reads on Postcard, B-type and A-type

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recording paper) (column 5, lines 31-6457-59); a printer body (figure 5), the type information indicates a size and type of recording material (column 5, lines 57-63), a loading slot formed in the printer body (figure 5); a sheet supply container (7) removably set at the loading slot for containing the recording material which is secured (contained in) the sheet supply container (figure 5); wherein the input section includes a first contact pattern (SB1, SB2, or SB3) for outputting type information (column 5, lines 57-63), and a second contact pattern (Figure 2 depicts SB1, SB2, or SB3 connected to a contact) connected with a controller for contacting the first contact pattern in response to setting of the sheet container in the slot (column 5, lines 40-56 and column 6, lines 1-33).

Matsumura differs from claims 4 and 13 in that he does not clearly disclose setting/designating print mode(s) in accordance with the type information and printing (or laying out) an image to the recording material in accordance with the print mode.

Numata discloses an image recording apparatus wherein a copying mode is set in correspondence with the determined sheet size (figure 35 and column 21, lines 4-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Matsumura to set/designate the print mode(s) in accordance with the type information and printing (or laying out) an image to the recording material in accordance with the print mode. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Matsumura by the teaching of Numata in order to more easily control the recording process as disclosed by Numata in column 1, lines 11-18).

With regard to claim 5, Matsumura discloses the first contact is disposed at the front end of the sheet container (figure 1), and the second contact pattern is a pin shaped member disposed

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in the loading slot and directed toward the container (figure 3, additionally, Matsumura discloses any detecting member may be used (column 5, lines 51-56)).

With regard to claims 8 and 16, Matsumura discloses the printer connectable to a display device (5).

4. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumura in view of Numata as applied to claims 4 and 13 above, and further in view of Kumon.

With respect to claims 7 and 15, Matsumura as modified differs from claims 7 and 15 in that he does not clearly disclose in the case of lack or reading of the type information from the input section, the controller generates an alarm signal. Kumon discloses generating an alarm signal when lack of reading of the information type occurs or inhibits operation of printing (column 12, lines 45-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Matsumura as modified to generate an alarm signal when lack of reading of the information type occurs or inhibit operation of printing. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Matsumura as modified by the teaching of Kumon in order to alert an operator as to problems in the printer.

4. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumura in view of Numata as applied to claims 4 and 13 above, and further in view of Lindstrom.

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Matsumura as modified differs from claims 6 and 14 in that although he discloses recording the information in a memory (32), he does not clearly disclose the information recording medium is a ROM. Lindstrom discloses a printer system for printing on different types of recording medium comprising a ROM for storing type data (column 3, lines 54-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Matsumura as modified to make the information recording material a ROM. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Matsumura as modified by the teaching of Lindstrom in order to improve processing.

5. Claims 9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumura in view of Numata as applied to claims 4 and 13 above, and further in view of Yamashita.

With respect to claims 9 and 17, Matsumura as modified differs from claims 9 and 17 in that he does not clearly disclose the material type is sticker type. Yamashita discloses the material is a standard type (ordinary paper) and a sticker type (label) (column 3, lines 41-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Matsumura as modified wherein the material type is sticker type. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Matsumura as modified by the teaching of Yamashita in order to give the user a greater variety of recording medium from which to choose from.

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Response to Arguments

5. Applicant's arguments with respect to claims 4-9 and 13-17 have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Wallerson whose telephone number is (703) 305-8581.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

or faxed to:

(703) 872-9314 (for formal communications intended for entry)

(for informal or draft communications, such as proposed amendments to be discussed at an interview; please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

Crystal Park Two
2121 Crystal Drive
Arlington, VA.
Sixth Floor (Receptionist)

MARK WALLERSON
PRIMARY EXAMINER

MARK WALLERSON